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Ctte Date: 23<sup>rd</sup> April 2019

File No: CHE/18/00859/FUL  
Plot No: 2/4084

## ITEM 2

### PROPOSED – CONVERSION OF FORMER CHURCH INTO FOUR APARTMENTS AND CONSTRUCTION OF EIGHT NEW SEMI-DETACHED HOUSES AT ST JOSEPHS RC CHURCH, CHESTERFIELD ROAD, MIDDLECROFT, STAVELEY, DERBYSHIRE, S43 3QF FOR MR RAFIQ KHAN

Local Plan: Unallocated  
Ward: Middlecroft & Poolsbrook

#### 1.0 CONSULTATIONS

<b>Local Highways Authority</b>	Comments received 25/01/2019 – see report
<b>Staveley Town Council</b>	No comments received
<b>CBC Strategic Planning Team</b>	Comments received 05/02/2019 – see report
<b>CBC Environmental Services</b>	Comments received 10/04/2019 – see report
<b>CBC Design Services</b>	Comments received 30/01/2019 – see report
<b>Economic Development Team</b>	Comments received 17/01/2019 – see report
<b>Yorkshire Water Services</b>	Comments received 05/02/2019 – see report
<b>Crime Prevention Design Advisor</b>	Comments received 29/01/2019 – see report
<b>Lead Local Flood Authority</b>	Comments received 07/02/2019 – see report
<b>CBC Urban Design Officer</b>	Comments received 06/03/2019 and 01/04/2019 – see report
<b>Derbyshire Wildlife Trust</b>	Comments received 04/02/2019 – see report
<b>North Derbyshire CCG</b>	No comments received
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	15 no. representations received

## 2.0 **THE SITE**

2.1 The site the subject of the application comprises of the former Roman Catholic Church known as St Josephs, situated on the northern edge of the settlement of Middlecroft off Chesterfield Road, Staveley. The church building itself is set lower down than the highway with access from Chesterfield Road and a parking area to its front and side. The church is relatively small in scale and simplistic in its architectural design and detailing. There is an existing flat roofed addition to the building on its left hand side, which creates a lobby into the main body of the church.



2.2 The site is open to the street frontage with the exception of its entrance gateway located on the easternmost edge of the site. The outer margins of the site are enclosed by hedging with fields beyond. The application site boundary extends beyond the hard surfaced area of the car park to the west, up to the boundary hedgerow see in the RH lower photograph above.

3.0 **RELEVANT SITE HISTORY**

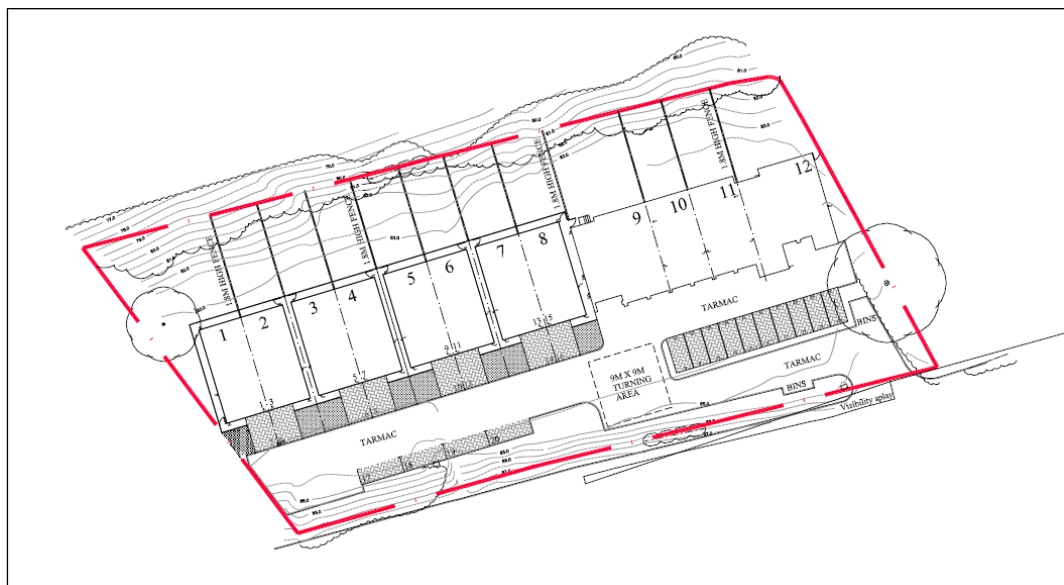
3.1 CHE/07/00441/FUL - Disabled person's toilet extension to existing church and alterations to external elevations to church entrance lobby. Granted conditional permission 06/08/2007.

3.2 CHE/06/00362/FUL - Meeting room and toilet extension to existing church. Granted conditional permission 06/07/2006.

4.0 **THE PROPOSAL**

4.1 The application submitted seeks full planning permission for the proposed conversion and extension of the existing church building into four dwellings; and the erection of an additional eight dwellings adjacent (four pairs of semi-detached properties).

4.2 The development will be served by the existing access point onto Chesterfield Road, which will become a shared driveway to access dedicated parking for the church conversion and the driveway / integral garages of the new dwellings.



4.3 The application submission is supported by the following plans / documents which were revised throughout the course of the application on 21/02/2019, 20/03/2019 and 29/03/2019 (superseded plans have been ~~struck through~~):

**Existing**

01258/18 2126 – EXISTING ROOF PLAN

01258/18 2125 – EXISTING UPPER GF WINDOWS  
01258/18 2125 – EXISTING SECTIONS  
01258/18 2124 – EXISTING CELLAR PLAN  
01258/18 2123 – EXISTING GROUND FLOOR PLAN  
01258/18 2122 – EXISTING ELEVATIONS  
18-1433 A(00)-01 LOCATION PLAN  
S9203 – TOPOGRAPHICAL SITE SURVEY

### **Proposed**

~~18-1433 A(10)-110 – PROPOSED GF PLAN~~  
~~18-1433 A(10)-111 – PROPOSED FF AND ROOF PLAN~~  
~~18-1433 A(10)-131 – PROPOSED NORTH AND EAST  
ELEVATIONS~~  
~~18-1433 A(10)-133 – PROPOSED SOUTH AND WEST  
ELEVATIONS~~  
~~18-1433 A(10)-201 REV A PROPOSED SECTIONS A-A~~  
~~18-1433 A(10)-210 REV A – PROPOSED FLOOR PLANS AND  
ELEVATIONS OF SEMI-DETACHED PROPERTIES~~  
~~18-1433 A(20)-101 – PROPOSED SECTIONS A-A, B-B AND C-C  
(CHURCH)~~  
~~18-1433 A(90)-05 – PROPOSED SITE LAYOUT PLAN~~

### **21/02/2019**

~~18-1433 A(90)-05 REV A – PROPOSED SITE LAYOUT PLAN~~  
07-0057-001 PL1 – VEHICLE TRACKING 1  
07-0057-002 PL1 – VEHICLE TRACKING 2

### **20/03/2019**

~~18-1433 A(10)-110 REV A – PROPOSED GF PLAN~~  
~~18-1433 A(10)-111 REV A – PROPOSED FF AND ROOF PLAN~~  
~~18-1433 A(10)-131 REV A – PROPOSED NORTH AND EAST  
ELEVATIONS~~  
~~18-1433 A(10)-133 REV A – PROPOSED SOUTH AND WEST  
ELEVATIONS~~  
18-1433 A(10)-210 REV B – PROPOSED FLOOR PLANS AND  
ELEVATIONS OF SEMI-DETACHED PROPERTIES  
~~18-1433 A(20)-101 REV A – PROPOSED SECTIONS A-A, B-B  
AND C-C (CHURCH)~~  
~~18-1433 A(90)-01 – PROPOSED BIN STORE DETAILS~~  
~~18-1433 A(90)-05 REV B – PROPOSED SITE LAYOUT PLAN~~  
~~18-1433 A(90)-21 REV A – PROPOSED SECTIONS A-A, B-B  
AND C-C (SITE)~~

**18-1433 A(90)-31 REV A – PROPOSED C/FIELD ROAD  
STREETSCENE**

**29/03/2019**

18-1433 A(10)-110 REV B – PROPOSED GF PLAN

18-1433 A(10)-111 REV B – PROPOSED FF AND ROOF PLAN

18-1433 A(10)-131 REV B – PROPOSED NORTH AND EAST  
ELEVATIONS

18-1433 A(10)-133 REV B – PROPOSED SOUTH AND WEST  
ELEVATIONS

18-1433 A(20)-101 REV B – PROPOSED SECTIONS A-A, B-B  
AND C-C (CHURCH)

18-1433 A(90)-01 REV A – PROPOSED BIN STORE DETAILS

18-1433 A(90)-05 REV C – PROPOSED SITE LAYOUT PLAN

18-1433 A(90)-21 REV B – PROPOSED SECTIONS A-A, B-B  
AND C-C (SITE)

18-1433 A(90)-31 REV B – PROPOSED C/FIELD ROAD  
STREETSCENE

Design & Access Statement  
Drainage Strategy Report  
Coal Mining Risk Assessment  
Site Investigation Report  
Ecological Appraisal  
Residential Noise Survey

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site is situated within the built settlement of Middlecroft and Poolsbrook ward, in an area predominantly residential in nature.

5.1.2 Having regard to the nature of the application policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS11, CS13, CS18, CS19 and CS20 of the Core Strategy 2013 – 2031 and the National Planning Policy Framework (NPPF) apply.

5.1.3 In addition the Councils Supplementary Planning Document on Housing Layout and Design ‘Successful Places’ is also a material consideration.

5.2 **Principle of Development**

5.2.1 The site is within 800m walking distance of Staveley Town Centre, an area identified in the Core Strategy as a broad location for new housing development. The proposal would also involve the redevelopment and re-use of a disused building and as such would meet a key principle of the Spatial Strategy to “regenerate vacant, underused and contaminated land especially in the Staveley and Rother Valley Corridor”. The proposal therefore is consistent with the Spatial Strategy set out in policies CS1 and CS2 of the Core Strategy.

5.2.2 It is noted that this is to be an entirely social rented scheme. Paragraph 64 of the NPPF now requires that all developments for 10 or more dwellings include at least 10% of units for ‘affordable home ownership’. However the **Forward Planning** team have advised, *‘the NPPF (supported by recent appeal decisions) also indicates that where the 10 threshold in the NPPF is lower than an adopted Local Plan threshold, the provision would apply “unless this would exceed the level of affordable housing required in the area”. Given that the proposed number of dwellings is lower than the current Local Plan threshold there would therefore be no affordable housing requirement from this proposal’.*

### 5.3 **Design and Appearance Considerations (Inc. Neighbouring Impact / Amenity)**

5.3.1 In respect of design and appearance matters the application submission and its accompanying design and access statement were initially appraised by the Council’s **Urban Design Officer (UDO)** and the **Crime Prevention Design Advisor (CPDA)** as follows:

#### **UDO**

*The layout comprises the retention and extension of the existing church together with a further 8 semi-detached houses arranged in a line to the west of the church building.*

*Access is via the existing site entrance. A private road would serve the site with a drive running in parallel to Chesterfield Road at the base of the embankment would pass in front of the existing and proposed dwellings. A 9x9m turning square is indicated at the intersection between the church and Plot 8. Tracking drawings*

*show the access and turning based on a delivery van sized vehicle.*

*The areas between the front of the former church and the proposed new houses will comprise the access drive with areas of parking arranged in front of the church, along the plot frontages and at the toe of the embankment in front of Plots 3-6.*

*This will be situated prominently in views from the road and measures to help screen the parking to mitigate its visual appearance are recommended.*

*Integral garage dimensions are sufficiently large to qualify as a parking space.*

*Please note the site layout plan requires a correction in relation to the layout of the front of Plots 1-8. This shows each plot laid out with grassed areas to either side with the central part block paved.*

*However, the house elevations and floor plans show the integral garaging located to the outside of each dwelling. As such, the block paved drives do not line up with the garage doors. These surfaces will need to be reversed in order to ensure block paved drives are placed in front of the garage doors. However, the angle and position of Plot 1 in relation to the boundary is awkward and may not facilitate this adjustment.*

*Two bin collection points (BCN) are located close to the entrance which would facilitate collection from the street.*

*Most plots achieve independent rear access to their rear gardens. Plots 9-11 (church conversion) however, do not appear to have a separate rear access to their rear gardens. As such garden waste and bins would need to be carried through habitable rooms, or bins left on frontage which would be unsatisfactory. It is recommended that separate access arrangements to the rear of these plots are provided.*

*The proposed new build dwellings are 2.5 storey buildings which is an appropriate scale in this location. Their siting below the level of the road and set back from the southern boundary would not appear unduly intrusive within the streetscene. Their scale appears more significant at the rear due to the presence of large rear*

*dormers, although given the rear outlook towards the countryside this will not be readily apparent.*

*Some of the existing vegetation, including several mature trees has been removed. Replacement planting, including trees is recommended. This could be managed by way of a suitably worded condition.*

*Additional details on the front elevation are recommended in respect of cills to windows to balance the stone headers above each window.*

*Meter boxes should be located discretely, preferably on side elevations. It is recommended that meter box positions are confirmed. If they are unable to be located on side elevations boxes should be painted to match the background material.*

*It is noted that the County Archaeologist regards the former church as an undesignated heritage asset and has identified the level of extension and proposed intervention of the building as harmful. A number of changes have been suggested. However, given the close arrangement of buildings and desire to convert the church into four units this would necessitate a significant reduction to the areas of proposed extension in particular, given the suggestion of keeping both ends of the church visible.*

*Dormers could be reduced in number and it is recommended that these are simplified to a simple ecclesiastical triangular style dormer.*

*Conversion details such as window and door details, materials, depth of reveal and finished treatments should be clarified, as these can have a significant impact on the final appearance of converted buildings. Plastic windows should be avoided. Detail could be managed by way of condition.*

*The extensions to the church appear to be finished in render whereas a matching brick would be preferable. To the rear elevation the alterations and interventions are more significant and a simplified approach is recommended. A further material (timber cladding?) is also present on the rear elevation as a trim around flat roof extensions and dormers, although this is not considered harmonious with the host building. It is recommended that a*



*parapet roof detail to reflect that of the existing church would better relate to the appearance of the host building.*

*A greater proportion of solid to void would assist in giving the building a more grounded appearance. Supporting brick columns between the bays together with parapet design would assist in achieving this objective.*

*Overall, a more sensitive form of intervention would be desirable in terms of achieving greater harmony with the host building.*

*The principle of development is acceptable. However, where indicated, it is recommended that the submission is reviewed and amended in accordance with the above comments.*

### **CPDA**

*There are no objections to the application in principle or most of the detail submitted.*

*The site boundaries aren't detailed other than sub divisional garden boundaries. The outer rear and side boundaries will need to be similar to separate private gardens and communal parking from open land to the sides and rear. I expect that a full boundary schedule could be set as a condition of approval or by an appended site plan.*

*There is no provision for lighting of the site front edge, which I wouldn't expect to benefit to any degree from the existing Chesterfield Road highways scheme. Standard front house elevation fixed lighting would probably suffice for the new plots. The communal area for church conversion parking allocation might need something more substantial. Another point to be amended or conditioned?*

5.3.2 Upon receipt of the comments / feedback above the applicant liaised with the Case Officer and UDO and amendments were made to the scheme to address the commentary and advice offered.

5.3.3 Revised drawings were submitted on 20/03/2019 and 29/03/2019 which were reviewed by the UDO and the following response was received:

*Further to receipt of the amended plans received 20<sup>th</sup> March 2019 for the new dwellings (Plots 1-8 – Dwg. No. 18-1433-A(10)-210-Rev B) and other plans and details associated with the site layout*

*and church conversion received 29<sup>th</sup> March 2019, I can confirm that the revised drawings now adequately address the issues previously raised. As such, there is no objection to the amended proposal, subject to the following conditions:*

- *Submission of external details of materials, including samples if requested.*
- *Details of hard and soft landscaping together with requirements for implementation.*
- *Details of proposals to create terraced platforms to form level rear gardens, including any retaining structures, together with plans and sections to illustrate existing and proposed levels.*

5.3.4 Overall in considering the latest package of revisions, the scheme represents a vast improvement to the initial submission and the positive and proactive engagement of the applicant to incorporate the UDOs suggested changes has been welcomed.

5.3.5 The design, siting, scale and layout do not give rise to any adverse impacts upon the adjoining / adjacent neighbouring properties by virtue of overlooking, overshadowing and overbearing and the final choice of materials should be managed by way of condition.

5.3.6 It is considered that the siting, design and scale of the development proposals are acceptable having regard to the provisions of policies CS2, CS18 and CS19 of the Core Strategy.

#### 5.4 **Highways Issues**

5.4.1 The original application submission has been reviewed by the **Local Highways Authority** (LHA) who provided the following response:

*There has been previous communication regarding this proposal and the plan basically appears to be the same as that commented upon informally. In this response, the Highway Authority requested the submission of vehicular swept paths for the largest vehicle likely to regularly access the site to ensure it could enter and exit in a forward gear and that on existing encroachment into the opposite traffic lane could be avoided. Such information does not appear to have been submitted.*

*The comments on off-street parking remain largely the same although it is noted that two plots are four bedroom.*

*Again, there is no information regarding vehicular movements previously associated with the site and the Highway Authority, therefore, still has reservations regarding the intensification in use of a substandard access.*

*The Highway Authority considers that additional information, as indicated above, should be submitted in order that a substantive response can be provided.*

- 5.4.2 In response to the comments received from the LHA above, swept path analysis was prepared and submitted alongside a series of revisions to the proposals and site layout to address design matters set out in section 5.3 above.
- 5.4.3 The swept path analysis show that a vehicle can enter, turn and exit the site in a forward gear (subject to an area for turning being preserved for this purpose) and that any such vehicle will not be reliant upon the opposite carriageway to exit the site. Furthermore having regard to the level of on-site parking provision proposed to serve the development, 20 no. on-site parking spaces are shown (in addition to the integral garages serving the 8 no. semi-detached properties). Without taking the garages into account each dwelling does therefore secure at least 1 no. parking per unit, with a further 8 no. spaces to be shared. Given the sites respective location to Staveley Town Centre and its access to public transport the level of on-site parking provision would be considered acceptable having regard to the provisions of policy CS20 of the Core Strategy and the maximum parking standards set out therein.
- 5.4.4 The comments made by the LHA relating to the former use of the building are made in respect of the site access, where visibility is restricted due to the geometry of the site and the highway carriageway. Notwithstanding this, the query made by the LHA is done so on the basis they are looking to establish a 'fall-back' position in the frequency of use of the site access associated with its former use and the traffic movements it so generated. On this basis it is fair to assume that as a place of worship the building generated a significant number of traffic movements at the weekend; however it is unclear whether the building was used during the week for other events and meetings. In addition it is commented that as an established D2 use, the building could be reoccupied at any time and the use of the access would

recommence without any control or restriction. On this basis it is considered impossible to establish an exact fall-back position; but it is fair to assume that the nature of traffic movements associated with 12 no. dwellings on the site could be substantially less and on this basis the request of this information by the LHA is unnecessary and unreasonable.

5.4.5 Whilst the site access point is substandard, there is no justification on highway safety grounds to conclude its use by 12 no. dwellings will be any worse in highway safety terms than a lawful D2 use of the existing building. On this basis, and having regard to the other matters considered above, the development proposals are considered to acceptable and accord with the provisions of policies CS2 and CS18 in respect of highway safety matters.

## 5.5 **Flood Risk & Drainage**

5.5.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7 of the Core Strategy), it is noted that the application site lies within flood risk zone 1 and therefore is unlikely to be at risk from flooding. In respect of drainage, the application details that the development is to be connected to existing mains drains for both foul and surface water.

5.5.2 The Councils **Design Services** (DS) team and **Yorkshire Water Services** (YWS) were both consulted on the application and in principle no objections were received. They both confirmed that details of the proposed site drainage strategy (inc. CCTV Survey and Calcs) will need to be submitted for approval in accordance with the Council 'Minimum Standards for Drainage' (DS Team) and two conditions were recommended by YWS, should permission be granted.

5.5.3 The **Lead Local Flood Authority** (LLFA) also commented on the application submission and in their comments they sought clarification on the following matters:

- *Clarification in terms of the discharge rate as the applicant has indicated a rate of 5l/s shall be discharged to the combined sewer. As per the comments per from Yorkshire Water on the planning portal it is indicated that a discharge rate of 3.5l/s would be accepted into Yorkshire Water asset. Yorkshire Water has also indicated as per their comments the sewer in*

*question is a foul sewer as opposed to a combined sewer as suggested by the applicant.*

- *Confirmation of the discharge rate into the Yorkshire Water asset and the attenuation storage is size accordingly.*
- *Details of the likely location of the attenuation and pump station (should a gravity connection not be achievable).*
- *Details demonstrating how the connection to the sewer shall be achieved either by gravity or a pumped solution.*

5.5.4 In respect of the comments received above full drainage details have not been submitted for consideration as part of the planning application submission however these matters are ordinarily dealt with by appropriate planning condition in accordance with policy CS7 of the Core Strategy. Through a package of pre-commencement conditions the outstanding matters highlighted by the DS team, YWS and the LLFA can be addressed.

## 5.6 **Land Condition / Contamination / Noise**

5.6.1 The site the subject of the application comprises predominantly of hard surfaced / previously developed land, as well an area of undeveloped green land and an existing building. In this regard therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

5.6.2 In respect of land condition the site lies outside of the Coal Authority's defined development referral area and therefore the site is covered by their 'Standing Advice' which is issued to all sites with this regard. It is noted that the application submission is supported by a Coal Mining Risk Assessment and Site Investigation Report; however these have not been referred to the Coal Authority for comment as this is not required.

5.6.3 The application submission was also referred to the Council's **Environmental Health Officer** (EHO) for review and the following comments were received:

### ***Contaminated Land***

*I note that then applicant has carried out a site survey, and while the land is not likely to be subject to contamination, there may be geotechnical issues due to the underlying strata. I agree with this conclusion.*

### **Noise Survey**

*Results of the noise survey suggest that noise mitigation will be required due to the nearby road, I agree with this conclusion, and the suggested remedial measures made in the report.*

5.6.4 In respect of the above it is noted that the Site Investigation Report gave conclusions on the exploratory boreholes results of the site investigation that the site was not at risk from coal mining legacy; however further views from the Coal Authority have been sought on this matter for final confirmation. Subject to their agreement the application is acceptable, providing conditions are imposed securing the implementation of the Site Investigation Report and Noise Survey recommendations.

5.6.5 It will also be necessary, should consent be granted, to impose a standard working hours condition on any approval to protect the amenity of nearby neighbouring residential properties.

### 5.7 **Ecology / Trees**

5.7.1 Having regard to the provisions of policy CS9 of the Core Strategy the application submission is accompanied by an Ecological Appraisal which has been reviewed by **Derbyshire Wildlife Trust** (DWT) under their service level agreement with the LPA. The following comments were received:

*'Sufficient survey information has been provided to enable determination of the application and no further survey work is required. From the existing site plan and internet-based imagery, it appears that two mature trees (likely ash trees) are present on the southern and eastern boundaries. The Ecological Appraisal does not make any reference to these (possibly removed prior to survey). It appears that the tree on the southern boundary is proposed for removal, based on the Proposed Site Layout. If these trees are still present, we would encourage retention of both specimens, given their prominence on site and contribution to site biodiversity.*

*Should the council be minded to approve the application, we advise that the following conditions are attached:  
Prior to building works commencing above foundation level, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority to achieve a*

*net gain in biodiversity in accordance with the NPPF 2018. Such approved measures should be implemented in full and maintained thereafter. Measures shall include:*

- details of bird and bat boxes will be clearly shown on a plan (positions/specification/numbers).*
- hedgehog connectivity measures will be clearly shown on a plan, such as small fencing gaps (130 mm x 130 mm), railings or hedgerows.*
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).'*

5.7.2 Having regard to the comments of DWT above it was noted that at the time of the case officers site visit the trees which were formerly located along the site frontage to Chesterfield Road had been removed. These trees were not protected and therefore their removal did not require any consent from the Council.

5.7.3 Notwithstanding the above it is a requirement of any new development to ensure that a net gain in biodiversity is secured as part of any site redevelopment, and therefore in accordance with the suggested condition set out by DWT in their comments above and policy CS9 of the Core Strategy appropriate mitigation planting can be secured. On this basis the development proposals are considered to be acceptable.

## 5.8 **Other Considerations**

5.8.1 Having regard to the nature of the application proposals several contribution requirements are triggered given the scale and nature of the proposals. Policy CS4 of the Core Strategy seeks to secure necessary green, social and physical infrastructure commensurate with the development to ensure that there is no adverse impact upon infrastructure capacity in the Borough.

5.8.2 Internal consultation has therefore taken place with the Councils own **Economic Development** and the **County Council (DCC) Strategic Planning** team on the development proposals to ascertain what specific contributions should be sought.

5.8.3 The responses have been collaborated to conclude a requirement to secure a contribution in respect of up to 1% of the overall development cost for a percent for art scheme (Policy CS18) is unlikely to be triggered as the development costs are unlikely to be

in excess of £1m (given the scale and nature of development). It will however be necessary to look to secure the requirement for local labour (best endeavours), which is standard approach taken to deal with local labour / supply as required by the provisions of policy CS13 for all major development schemes.

5.8.4 The DCC Planning team has also responded setting out the infrastructure needs arising from the development proposals; which relate primarily to schools places, broadband and waste. An education contribution has been calculated to arise from the development for primary school provision; however this matter is now covered by the CIL Regulations 123 List so a separate contribution will not need to be sought. Broadband provision and Waste are also dealt with by separate matters / initiatives.

5.9 **Community Infrastructure Levy (CIL)**

5.9.1 Having regard to the nature of the application proposals the development comprises the creation of new dwellings and the development is therefore CIL Liable.

5.9.2 The site the subject of the application lies within the low CIL zone and therefore the CIL Liability will be calculated (using calculations of gross internal floor space [GIF]) as follows:

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>Proposed Floorspace (GIA in Sq.m)</b>	<b>Less Existing (Demolition or change of use) (GIA in Sq.m)</b>	<b>Net Area (GIA in Sq.m)</b>	<b>CIL Rate</b>	<b>Index (permission)</b>	<b>Index (charging schedule)</b>	<b>CIL Charge</b>
<b>Total = sqm</b>	0	???	£20 (Low Zone)	307	288	<b>£To Be Calculated</b>

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C) / BCIS Tender Price Index (at date of Charging Schedule) (D) = CIL Charge (E).

6.0 **REPRESENTATIONS**



6.1 The application has been publicised by site notice posted on 21/01/2019; by advertisement placed in the local press on 24/01/2019; and by neighbour notification letters sent on 11/01/2019.

6.2 As a result of the applications publicity there have been 15 letters of representation received as follows:

**15 St Johns Road, Staveley**  
**91 Circular Road, Staveley**

I would like to support the developer;  
The church has been closed and is an eyesore on the main road to Staveley;  
The new houses will make a big improvement and will bring much investment into Staveley.

**1 St Johns Road, Staveley**  
**6A Fern Avenue, Staveley**  
**15 St Johns Road, Staveley**

I have lived in Staveley most of my life, seen it deteriorate and it is good to see it improving again;  
I am very much in favour of the development and we need better quality homes in the area should encourage house builders in this neighbourhood.

**147 Chesterfield Road, Staveley (x2)**

I wish to express my support as it will be an improvement to the area which is deprived at present;  
The site is derelict and attracting drug users and vandalism.

**69 Fern Avenue, Staveley**

I would like to support the application to convert the disused church as I think it will be a great improvement and bring into use an abandoned building;  
Investment is badly needed in this area and should be welcomed.

**141 Chesterfield Road, Staveley**  
**137 Chesterfield Road, Staveley**  
**131 Chesterfield Road, Staveley**  
**135 Chesterfield Road, Staveley (x2)**  
**139 Chesterfield Road, Staveley**

As long standing residents we have grave concerns about the proposed development:

1. Chesterfield Road has increasingly got busier and there have been a lot of accidents, some fatal. The most recent 20/01/2019 where the road was closed for several hours and caused chaos (diversions and congestion). It also left the street without streetlighting so it is pitch black and dangerous. Having a new housing estate would escalate the amount of traffic and proposed new entrance will make matters worse. Pulling out of the church when it was used was hazardous, there is a blind bend and accidents happened frequently.
2. There are bus stops on both sides of the road with a sleeping policeman box already in place. This causes problems with standing traffic and a constant in use entrance / exit will make the road busier and more dangerous.
3. We note from the report no bats or badgers were found, but we wish to point out that the applicant destroyed all the trees surrounding the property before the survey took place. The trees were awash with wildlife so what about other species that lived at the site? The trees and wildlife are now gone forever, and were wiped out before the survey was done.
4. We are aware that below the structure are mine shafts. Properties have suffered subsidence in the past and it could be a real issue if they disturb the ground for the development. This could have a detrimental effect on our properties and the extensive damage that would happen should a mine shaft collapse.
5. The chaos that would be caused during the building progress is a concern, due to the amount of traffic / blind corner (it's dangerous).
6. We note the Catholic church asked to build a house on the grounds and got refused, along with a request to put plumbing in for a toilet (meaning a cesspit has to be installed). This is clear evidence that permission should now not be granted for further development.  
We strongly object.

### **A Local Resident**

While I support the residential conversion of the church building, I feel it is important that the proposed works are in keeping with this period building's appearance.  
I am unsure of the proposed alterations to the north elevation regarding the loss of the original windows, although I feel that the window to door modifications on the south elevation are tastefully done.

6.3 ***Officer Response: See sections 3.0 (Previous Planning History) and 5.1 – 5.9 (Planning Considerations) above.***

## 7.0 **HUMAN RIGHTS ACT 1998**

7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

7.4 Whilst, in the opinion of the objector, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control.

## 8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the

development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

- 8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

## 9.0 **CONCLUSION**

- 9.1 The proposed development is considered to be appropriately sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS4, CS11, CS13, CS18, CS19 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.

- 9.2 Planning conditions have been recommended to address any outstanding matters and ensure compliance with policies CS7, CS8, CS9, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and therefore the application proposals are considered acceptable.

## 10.0 **RECOMMENDATION**

- 10.1 It is therefore recommended that the application be GRANTED subject to the following:

### **Conditions**

#### Time Limit etc

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason - The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.*

02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.

01258/18 2126 – EXISTING ROOF PLAN

01258/18 2125 – EXISTING UPPER GF WINDOWS

01258/18 2125 – EXISTING SECTIONS

01258/18 2124 – EXISTING CELLAR PLAN  
01258/18 2123 – EXISTING GROUND FLOOR PLAN  
01258/18 2122 – EXISTING ELEVATIONS  
18-1433 A(00)-01 LOCATION PLAN  
S9203 – TOPOGRAPHICAL SITE SURVEY  
07-0057-001 PL1 – VEHICLE TRACKING 1  
07-0057-002 PL1 – VEHICLE TRACKING 2  
18-1433 A(10)-210 REV B – PROPOSED FLOOR PLANS  
AND ELEVATIONS OF SEMI-DETACHED PROPERTIES  
18-1433 A(10)-110 REV B – PROPOSED GF PLAN  
18-1433 A(10)-111 REV B – PROPOSED FF AND ROOF  
PLAN  
18-1433 A(10)-131 REV B – PROPOSED NORTH AND  
EAST ELEVATIONS  
18-1433 A(10)-133 REV B – PROPOSED SOUTH AND  
WEST ELEVATIONS  
18-1433 A(20)-101 REV B – PROPOSED SECTIONS A-A,  
B-B AND C-C (CHURCH)  
18-1433 A(90)-01 REV A – PROPOSED BIN STORE  
DETAILS  
18-1433 A(90)-05 REV C – PROPOSED SITE LAYOUT  
PLAN  
18-1433 A(90)-21 REV B – PROPOSED SECTIONS A-A, B-  
B AND C-C (SITE)  
18-1433 A(90)-31 REV B – PROPOSED C/FIELD ROAD  
STREETSCENE

Design & Access Statement  
Drainage Strategy Report  
Coal Mining Risk Assessment  
Site Investigation Report  
Ecological Appraisal  
Residential Noise Survey

*Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.*

### Drainage

03. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

*Reason - In the interest of satisfactory and sustainable drainage.*

04. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the Local Planning Authority.

Furthermore there shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to :-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical ;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

*Reason - To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.*

#### Contaminated Land

05. A. Development shall only be undertaken on site in accordance with the conclusions of the Site Investigation Report by Haigh Huddleson and Associates.
- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.
- C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the

Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

*Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.*

### Highways

06. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- Parking of vehicles of site operatives and visitors
  - routes for construction traffic
  - hours of operation
  - method of prevention of debris being carried onto highway
  - pedestrian and cyclist protection
  - proposed temporary traffic restrictions
  - arrangements for turning vehicles

*Reason – In the interests of highway safety.*

07. The premises, the subject of the application, shall not be occupied / taken into use until the site access / exit has been modified in accordance with the revised and approved application drawings to be provided with exit visibility sightlines (as shown) to the nearside carriageway channel in each direction and all areas in advance of the sightlines being over controlled land/ existing highway and maintained clear of any obstructions greater than 1.0m in height (600mm in the case of vegetation) relative to the same channel level.

*Reason – In the interests of highway safety.*

08. The premises, the subject of the application, shall not be occupied/ taken into use until space has been provided within the application site in accordance with the revised and

approved application drawings for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ staff/ customers/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

*Reason – In the interests of highway safety.*

### Ecology

09. Prior to building works commencing above foundation level, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2018. Such approved measures should be implemented in full and maintained thereafter. Measures shall include:
- details of bird and bat boxes will be clearly shown on a plan (positions/specification/numbers).
  - hedgehog connectivity measures will be clearly shown on a plan, such as small fencing gaps (130 mm x 130 mm), railings or hedgerows.
  - summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

*Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.*

### Landscaping

10. Within 2 months of commencement of development full details of hard landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.
- Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwellings.



*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

11. Within 2 months of commencement of development details of a soft landscaping scheme for the approved development shall be submitted to the Local Planning Authority for consideration.

The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

12. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

13. No vegetation clearance works shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

*Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.*

Others

14. Construction work (inc. demolition works) shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

*Reason – In the interests of residential amenity.*

15. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

*Reason - In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.*

16. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

*Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.*

17. Prior to the commencement of the development, details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved shall be submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwelling shall be

constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the amenity of neighbours and the area as a whole.*

18. A residential charging point shall be provided for the additional dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

*Reason - In the interests of air quality and policy CS20 of the Core Strategy.*

19. Development shall be undertaken in accordance with the mitigation measures as set out in the Residential Noise Survey by Nova Acoustics dated 26/11/2018 and no dwelling shall be occupied until all measures have been implemented.

*Reason - In the interests of residential amenity.*

### **Notes**

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the

submission of a further application for planning permission in full.

03. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)
04. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management at Derbyshire County Council - telephone 01629 538686.
05. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
06. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
07. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are

for a duration of more than 11 days require a three month's notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.